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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 LEOPOLDO GONZALEZ-HEURTA,
12 Defendant.

Case No. 2:94-CR-00315-KJD-LRL

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14 **ORDER**

15 Presently before the Court is Defendant's Motion for Modification of Sentence (#108).
16 Having read and considered the motion, it is denied. Defendant has not adequately stated a claim for
17 resentencing due to the retroactive changes to the calculations from the drug equivalency tables
18 which created changes in U.S.S.G. 2D1.1 regarding crack cocaine base offenses. Defendant was
19 sentenced based on a methamphetamine offense. Defendant has not stated an Equal Protection or
Due Process claim based on the alleged disparity.

20 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Modification of
21 Sentence (#108) is **DENIED**.

22 DATED this 15th day of April 2013.

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Kent J. Dawson
United States District Judge